



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/664,179      | 09/18/2000  | Nathan F. Raciborski | 19396-000900US      | 1898             |

7590 05/24/2004

William F Vobach  
Townsend and Townsend and Crew LLP  
Two Embarcadero Center 8th Floor  
San Francisco, CA 94111-3834

|          |
|----------|
| EXAMINER |
|----------|

JEAN, FRANTZ B

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2151

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/664,179

Applicant(s)

RACIBORSKI ET AL. 

Examiner

Frantz B. Jean

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-9 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 5-7, 22-31 is/are rejected.
- 7) ☒ Claim(s) 8, 9 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2151

This office action is in response to the amendment filed on 03/01/2004. Claims 3-9 and 22-32 are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-7, 22, and 24-31 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,371,852) issued to Attanasio et al. ("Attanasio").

With respect to claim 5, Attanasio teaches a method of providing an address, comprising: providing an application-level protocol identifier (Fig. 3A-3E; col. 5, lines 12-40; col. 8, lines 25-38, 43-58); providing an IP identifier (Fig. 3A-3E; col. 8, lines 15-24; col. 8 lines 25-58); col. 9, lines 33-56); providing a requesting device identifier [source address] (Fig. 3A-3E; col. 5, lines 29-40; col. 9, lines 45-54; col. 10, lines 51-55); and providing a requesting device port identifier [source port] (Fig. 3A-3E; col. 5, lines 29-40; col. 8, lines 25-38; col. 10, lines 51-55).

Claim 22 is essentially the same as claim 5, and is rejected on the same basis.

Claim 27 is essentially the same as claim 5, and is rejected on the same basis.

Claim 30 is essentially the same as claim 5, and is rejected on the same basis. Attanasio teaches the further limitations apparatus, computer, and code (col. 5, lines 3-40).

With respect to claim 6, Attanasio teaches the method as described in claim 5 and further comprising: coupling said protocol identifier with said IP identifier, said requesting device identifier and said requesting device port identifier [interpreted as the incoming data packet header information] (Fig. 3C-3E; col. 5, lines 29-40; col. 8, lines 50-68; col. 10, lines 51-55).

With respect to claim 7, Attanasio teaches the method as described in claim 5 and further comprising: providing a file identifier [message data] (Fig. 3C-3E).

Claim 26 is essentially the same as claim 7, and is rejected on the same basis.

Art Unit: 2151

Claim 28 is essentially the same as claim 7, and is rejected on the same basis.

Claim 31 is essentially the same as claim 7, and is rejected on the same basis.

With respect to claim 24, Attanasio teaches the data structure as described in claim 22 wherein said requesting device identifier field [source address] is located between said protocol identifier field and said Internet protocol identifier field [destination IP address] (Fig. 3C).

With respect to claim 25, Attanasio teaches the data structure as described in claim 22 wherein said requesting device port identifier is located adjacent to said requesting device identifier (Fig. 3D-3E; col. 5, lines 35-40; col. 10, lines 51-55). It is inherent in Attanasio that the source port number is associated with the source address.

With respect to claim 29, Attanasio teaches the computer data signal as described in claim 27 wherein said requesting device port identifier is operable for designating a port on a requesting device from which a request for data originated (Fig. 3A-3E; col. 5, lines 29-40; col. 8, lines 25-38; col. 10, lines 51-55).

#### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Attanasio.

With respect to claim 23, Attanasio teaches the data structure as described in claim 22, and the sequence of identifiers in the data structure (Fig. 3C). Attanasio teaches the source address being between the protocol identifier and the destination IP address (Fig. 3C). Attanasio does not explicitly state wherein said Internet protocol identifier field [destination IP address] is located between said protocol identifier field and said requesting device identifier field [source address]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to arrange the data structure, of Attanasio, as claimed. One of ordinary skill in the art would do this so that the protocol and destination are first analyzed, and then associated with the source address. This is beneficial in distributed routing of requests (Fig. 3C; col. 5, lines 12-40; col. 11, lines 5-20).

#### ***Allowable Subject Matter***

Art Unit: 2151

Claims 3-4 are allowed.

Claims 8-9 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicants' arguments regarding claim 1 is moot since claim it has been allowed.

Regarding claims 5-7 and 22-31, applicants argue that Attanasio does not disclose an application-level protocol identifier. Examiner respectfully submits that Attanasio discloses the above limitation in col 8 lines 25-58 where, in many instances, statement has been made regarding to application layer protocol and application data. Furthermore, Applicants are requested to provide support for this limitation in the specification when replying to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2151

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5423002 issued to Hart US Patent No. 6,097,882 issued to Mogul US Patent No. 6,473,406 B1 issued to Coile et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 703 305 3970. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on 703 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**

Frantz Jean  
FBJ/